



# PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (710/97)

Do **NOT** use for expedited repeal or adoption

**Agency:** Agriculture

**Subject of possible rule making:** Increase the maximum allowed tank size for pesticide temporary field storage containers used for soil fumigants.

**(a) Statutes authorizing the agency to adopt rules on this subject:** Pesticide Control Act RCW 15.58 and the Pesticide Application Act RCW 17.21

**(b) Reasons why rules on this subject may be needed and what they might accomplish:** The current rule (WAC 16-229-010) limits the size of pesticide temporary field storage containers to 2,500 gallons. This limitation has become a concern of applicators and growers who are using soil fumigants. Soil fumigants are often used at rates of 15 to 25 gallons per acre and higher. A large percentage of soil fumigant users grow upwards of 400 acres of crops often on the same farm. Given the rate per acre, number of acres to be treated, the current tank size are inadequate in that the field storage tanks will have to be filled several times. Larger tanks would present a greater degree of safety than smaller tanks for the following reasons. Spills are most likely to occur during transfer from trucks into temporary field storage tanks. It is less hazardous to have an operator empty a 5,000 gallon tank truck into a field storage tank that can hold that capacity rather than a tank that can hold half that capacity. The current 2,500 gallon restriction results in a substantial increase in the number of times the product is transferred, increasing the risk of accidental spills. Larger tank allowances would reduce the number of road miles in the delivery of soil fumigants. Without an increase in the allowable tank size for field storage dealers will be forced to make multiple trips to and from the tanks, increasing exposure of trucks to transportation accidents.

**(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Environmental Protection Agency (EPA). The EPA regulates the use of pesticides primarily through the pesticide label. EPA has delegated WSDA Pesticide Management Division as the state lead agency for the enforcement of pesticide regulations in Washington State. EPA will be apprised during the entire rule making process and be offered an opportunity to provide comments.

Department of Ecology (DOE) – DOE will be apprised during the entire rule making process and be offered an opportunity to provide comments.

**(d) Process for developing new rule (check all that apply):**

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study

X Other (describe) A technical advisory committee consisting of key stakeholders will be established as an aid in developing a new rule if necessary.

**(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.) To comment contact Cliff Weed, Washington State Department of Agriculture, Pesticide Management Division, PO Box 42589, Olympia, WA 98504-2589, (360) 902-2040, FAX (360) 902-2093 or e-mail at [cweed@agr.wa.gov](mailto:cweed@agr.wa.gov). Comments must be received by September 28, 2001.

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**NAME (TYPE OR PRINT)**

Bob Arrington

**SIGNATURE**

**TITLE**

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**DATE**

8/22/01